
HOUSE BILL No. 1360

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-4-10; IC 3-7; IC 3-8; IC 3-9-1-1.5; IC 3-10-1-5; IC 3-11-8-10.5.

Synopsis: Various election law matters. Provides that materials generated by a party convention or caucus to nominate candidates are the political party's property. Provides that a poll clerk may make a record of individuals who have signed the poll list and make that list available to a watcher or pollbook holder. Makes changes in the standards for the eligibility of delegates to a town convention. Makes changes relating to deadlines for a committee to file its statement of organization, the printing of candidate names on the ballot, and holding primaries when candidates are unopposed. Makes various technical changes in statutes relating to voter registration.

Effective: Upon passage; July 1, 2004.

Richardson

January 20, 2004, read first time and referred to Committee on Elections and Apportionment.

C
o
p
y



Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1360

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-4-10 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 10. (a) This section applies to:**

4 **(1) a convention required or permitted under this title that is**
5 **conducted by a political party to nominate candidates; or**

6 **(2) a caucus conducted by a political party under IC 3-13 to**
7 **nominate candidates.**

8 **(b) The ballots, poll lists, and other documents or material**
9 **generated for or used by the convention or caucus are the property**
10 **of the political party. This property shall be retained and preserved**
11 **in the manner specified by the rules of the political party.**

12 SECTION 2. IC 3-7-14-9 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: **Sec. 9. An employee of the**
14 **commission who provides an individual with a driver's license or**
15 **identification card application shall do the following:**

16 **(1) Inform each individual who applies for a driver's license or an**
17 **identification card that the information the individual provides on**

C
o
p
y



the individual's application will be used to register the individual to vote unless:

- (A) the individual is not eligible to vote; ~~or~~
- (B) the individual declines to register to vote or fails to complete the voter registration part of the application; ~~or~~
- (C) the individual answers "no" to either question described by IC 3-7-22-5(3) or IC 3-7-22-5(4).**

(2) Provide each individual who indicates a desire to register or transfer registration with assistance in filling out the voter registration application if requested to do so by the individual.

(3) Check the completed voter registration form for legibility and completeness.

(4) Deliver the completed registration form to the license branch manager (or the employee designated by the manager to be responsible for voter registration services) for transmittal to the appropriate circuit court clerk or board of registration.

(5) Inform the individual that the individual will receive a mailing from the ~~circuit court clerk or board of county voter~~ registration **office** of the county where the individual resides concerning the disposition of the voter registration application.

(6) Inform each individual who submits a change of address for a driver's license or identification card that the information serves as notice of a change of address for voter registration unless the applicant states in writing on the form that the change of address is not for voter registration purposes.

SECTION 3. IC 3-7-15-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. An employee of the office who provides an individual with an application for assistance or services under section 3 of this chapter shall do the following:

(1) Inform each individual who applies for assistance or services that the information the individual provides on the individual's voter registration application will be used to register the individual to vote unless:

- (A) the individual is not eligible to vote; or
- (B) the individual:
 - (i) declines to register to vote; ~~or~~
 - (ii) fails to complete the voter registration part of the application; ~~or~~
 - (iii) answers "no" to either question described by IC 3-7-22-5(3) or IC 3-7-22-5(4).**

(2) Provide each individual who indicates a desire to register or transfer registration with assistance in filling out the voter

C
o
p
y



1 registration application unless the individual refuses assistance,
2 as provided in 42 U.S.C. 1973gg-5(a)(4)(ii).

3 (3) Check the completed voter registration form for legibility and
4 completeness.

5 (4) Deliver the completed registration form to the office
6 administrator (or the employee designated by the administrator to
7 be responsible for voter registration services) for transmittal to the
8 appropriate ~~circuit court clerk or board of county voter~~
9 registration **office**.

10 (5) Inform the individual that the individual will receive a mailing
11 from the ~~circuit court clerk or board of county voter~~ registration
12 **office** of the county where the individual resides concerning the
13 disposition of the voter registration application.

14 SECTION 4. IC 3-7-16-16 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. An employee
16 or a volunteer of the office who provides an individual with an
17 application for assistance or services under this chapter shall do the
18 following:

19 (1) Inform each individual who applies for assistance or services
20 that the information the individual provides on the individual's
21 voter registration application will be used to register the
22 individual to vote unless:

23 (A) the individual is not eligible to vote; ~~or~~

24 (B) the individual declines to register to vote or fails to
25 complete the voter registration part of the application; ~~or~~

26 **(C) answers "no" to either question described by**
27 **IC 3-7-22-5(3) or IC 3-7-22-5(4).**

28 (2) Provide each individual who indicates a desire to register or
29 transfer registration with assistance in filling out the voter
30 registration application unless the individual refuses assistance,
31 as provided in 42 U.S.C. 1973gg-5(a)(4)(ii).

32 (3) Check the completed voter registration form for legibility and
33 completeness.

34 (4) Deliver the completed registration form to the office
35 administrator (or the employee designated by the administrator to
36 be responsible for voter registration services) for transmittal to the
37 appropriate ~~circuit court clerk or board of county voter~~
38 registration **office**.

39 (5) Inform the individual that the individual will receive a mailing
40 from the ~~circuit court clerk or board of county voter~~ registration
41 **office** of the county where the individual resides concerning the
42 disposition of the voter registration application.

C
o
p
y



SECTION 5. IC 3-7-18-8 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 8. An employee of the office
who provides an individual with an application for assistance or
services under this chapter shall do the following:

(1) Inform each individual who applies for assistance or services
that the information the individual provides on the individual's
voter registration application will be used to register the
individual to vote unless:

(A) the individual is not eligible to vote; ~~or~~

(B) the individual declines to register to vote or fails to
complete the voter registration part of the application; **or**

(C) **answers "no" to either question described by
IC 3-7-22-5(3) or IC 3-7-22-5(4).**

(2) Provide each individual who indicates a desire to register or
transfer registration with assistance in filling out the voter
registration application unless the individual refuses assistance,
as provided in 42 U.S.C. 1973gg-5(a)(4)(A)(ii).

(3) Check the completed voter registration form for legibility and
completeness.

(4) Deliver the completed registration form to the office
administrator (or the employee designated by the administrator to
be responsible for voter registration services) for transmittal to the
appropriate ~~circuit court clerk or board of county voter~~ **registration office.**

(5) Inform the individual that the individual will receive a mailing
from the ~~circuit court clerk or board of county voter~~ **registration**
office of the county where the individual resides concerning the
disposition of the voter registration application.

SECTION 6. IC 3-8-5-11, AS AMENDED BY P.L.167-2001,
SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2004]: Sec. 11. (a) ~~To determine who may vote at the
convention, the standards prescribed by IC 3-10-1-6 through
IC 3-10-1-10 for determining political party affiliation at a primary
election apply. An individual is eligible to participate in a town
convention if the individual meets all the following requirements:~~

(1) **The voter resides in the town on the date the convention is
conducted.**

(2) **The voter became a registered voter of the town not later
than the date specified in the rules of the major political party
conducting the convention.**

(3) **The voter subscribes to a statement under the penalties for
perjury stating that the individual is affiliated with the**

**C
o
p
y**



political party conducting the convention.

(4) The voter complies with any other requirement for determining political party affiliation set forth in the rules of the major political party conducting the convention.

(b) The county election board shall furnish the secretary of the convention a list of all the town's voters. **The list must state the date that the individual became a voter of the town, if the individual became a voter of the town during the year in which the list is furnished.** An individual who wants to vote in a town convention must register with the secretary of the convention **and subscribe to the statement described in subsection (a)(3)** before being permitted to vote in the convention. The secretary of the convention shall note on the list of the town's voters when an individual registers with the secretary.

(c) An individual may not vote at more than one (1) convention held in the town during the same election year.

SECTION 7. IC 3-8-7-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. **(a) This subsection applies to an office to which only one (1) candidate may be elected.** If a certificate or petition of nomination contains the name of more than one (1) candidate for ~~an elected~~ the office, ~~neither name none of the names of the candidates on the certificate or petition~~ may be printed on the ballot as a candidate for the office.

(b) This subsection applies to an office for which more than one (1) candidate may be elected. If the certificate or petition contains the names of more than the total number of candidates that may be elected to that office, none of the names of the candidates on the certificate or petition may be printed on the ballot as a candidate for the office.

SECTION 8. IC 3-9-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1.5. (a) This section:

(1) applies after December 31, 2004; and

(2) does not apply to a national committee of a political party.

(b) For purposes of determining the deadline for filing a statement of organization under section 3 of this chapter, a committee becomes a regular party committee when the committee accepts contributions or makes expenditures during a calendar year:

(1) to influence the election of a candidate for state, legislative, or local office; and

(2) that total more than one hundred dollars (\$100).

C
o
p
y



SECTION 9. IC 3-10-1-5, AS AMENDED BY P.L.176-1999, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Whenever there is no contest in a political party for the nomination of a candidate or candidates for an office, the party may hold a primary election for that nomination. The appropriate election board shall certify the names of the candidates for each nomination for which there is no contest as though a primary election had been held. However, except as provided in subsections (b) through (c), if there is a contest in any party for any nomination, the name of each candidate of each party shall be placed on the primary election ballot, whether or not the candidate is opposed.

(b) If the only contest in a political party is for the election of a precinct committeeman or a delegate to the party's state convention, the names of unopposed candidates for nomination are not required to be placed on the primary election ballot unless the appointed member of the county election board affiliated with the political party files a written request that these names be printed on the primary election ballot.

(c) The names of unopposed candidates for election as a precinct committeeman or a delegate to a political party's state convention are not required to be placed on the primary election ballot unless the appointed member of the county election board affiliated with the political party files a written request that these names be printed on the primary election ballot.

(d) If a party wants to conduct a primary under subsection (c), the **appointed member of the county chairman of election board affiliated with** the party must file a notice with the county election board not later than noon seven (7) days after the final date for filing a declaration of candidacy, stating that the party will hold a primary.

SECTION 10. IC 3-11-8-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.5. A poll clerk may record the names of individuals who have signed the poll list and make that record available to a watcher or pollbook holder who requests the information. However, the poll clerk must ensure that:**

(1) a voter is not delayed in casting the voter's votes as a result of the preparation of the record, or by providing the information; and

(2) the poll clerk does not engage in electioneering (as defined under IC 3-14-3-16) in providing this information.

SECTION 11. **An emergency is declared for this act.**

C
o
p
y

